N° 26/121

International Court of Justice

REPUBLIC OF ALBANIA
v/
UNITED NATIONS DEPARTMENT
OF POLITICAL AFFAIRS
(« *Falklands War* »)

DECISION
PROVISIONAL MEASURES

President: EXCLIMATION, President
Rapporteur: ST HELIER, Vice President
Assessor(s): MAJU1208, Judge
Registrar: Matthew E. WRIGHTSON

The Hague, 10th of May 2026

THE COURT:

1. By an application enrolled at the Registry of the Court on the 9th of May 2026, the Republic of Albania prays that the Court annul the revealed decision by which the Department of Political Affairs has treated the Union of Columbia as a belligerent in a conflict monitored by the Department.

2. By an interlocutory application enrolled at the Registry of the Court the 9th of May 2026, the Republic of Albania prays that the Court indicate provisional measures in respect of the aforementioned decision.

3. The parties were summoned to attend an oral hearing on the 9th of May 2026, where the Court heard observations from:

    a. Mini9999, agent of the Republic of Albania;

    b. Samianz12, agent of the Union of Columbia;

    c. Oscar Dacke, Secretary-General of the United Nations, and ExoticSpectr3, representatives of the Department of Political Affairs.

4. The provisional measures applicant argues that:

    a. in admitting the Union of Columbia to the conflict without a formalised decision, the Department of Political Affairs vitiated its decision by a defect in its form;

    b. in admitting the Union of Columbia as a belligerent, the Department of Political Affairs erred as a matter of law.

5. The power of the Court to indicate provisional measures is predicated upon a demonstration from the applying party that their case is seriously arguable on its merits, that urgency in the

circumstances commands the indication of such measures, and that they are compatible with the equitable administration of justice. Given that the purpose of provisional measures are to preserve the state of the parties and the litigation so as to preserve the effective office of the Court, it is necessary not only to whether an independent demonstration of each of the meaningful existence of these three elements has been made, but also to give appropriate weight to balancing the requirement that an applying party presents a seriously arguable case on the merits with the severity of the consequences, both in respect of the prejudice to them, and as to the curtailment of the good administration of justice. Furthermore, owing to their provisional and interlocutory nature, in considering the measures to indicate, the Court may not, except where they constitute the only means to prevent an exceptional and irreparable prejudice, prescribe or indicate measures themselves of a permanent or definitive nature.

On the existence of a seriously arguable case

6. It results from the exhibits and articles filed with the Court, and which are not contested by the parties, that a conflict between the Republic of Albania and the Falkland Islands was raised before the Department of Political Affairs in consequence of an ultimatum sent by the Falkland Islands to the Republic of Albania. It is equally not contested, that after the conflict was raised with the Department of Political Affairs, the Department, after conferring with the Falkland Islands undertook to convene the Union of Columbia to participate in those proceedings, including, in particular, by corresponding with representatives of the Union alongside those of the applicant and the Falkland Islands in determining the administrative and operation parameters of the conflict. It results therefrom that the Department of Public Affairs must be regarded as having made a decision, having the character of an administrative act amenable to review before this Court, to add the Union of Columbia to the conflict between the Republic of Albania and the Falkland Islands as a belligerent.

7. On the first ground offered by the applicant, according to the Charter of the United Nations, the organisation is established: « *[w]ith the intention to build an ever better, ever stronger and ever more developed international community ... to provide a structure for international relations.* ». Article 1 of the Charter provides: « *The established, principal organs of the United Nations shall be ... an International Court of Justice and a Secretariat.* ». Article 77 of the Charter provides: « *The states parties to the present Statute declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes [relating to questions of international law]*. ». These provisions reflect the principle of legality and good and fair administration which constitutes a transcendent principle binding upon all organs and administrations of the United Nations Organisation.

8. This principle commands that all administrative acts must be adopted in a just and responsible manner, according to the forms and procedures determined by law. It also supposes that the action of the organs of the Organisation are conducted in a manner so as to promote the orderly, fair, and effective transaction of business. In consequence, an error that only affects the conduct of a mandatory administrative procedure, or the form of an administrative decision, and which is not an absolute defect in the authority of the person having made the act, does not ipso facto vitiate a decision unless it is apparent that, in the circumstances of the challenged decision, there is a reasonable likelihood that the proceeding or the form would have affected the outcome of the decision, that the defective form or procedure constituted a

safeguard, or that the decision was reached in bad faith, as an abuse of process, or for another improper purpose.

9. It appears from the articles and exhibits filed with the Court, in the current intelocutory state of the litigation, that, even supposing arguendo that the Department of Political Affairs erred as a matter of form by failing to issue a formal administrative decision, this imperfection did not, in the circumstances, deprive the applicant of effective and timely notice of the Department's decision, and does not appear in the current state of the litigation to have exercised any influence on the substance of the decision, nor to have been motivated by an abusive, reckless, or other improper purpose.

10. On the second ground offered by the applicant, according to Article 6 of the Convention on the Law of Treaties concluded in Vienna on the 23rd of May 1969: « *Every State possesses capacity to conclude treaties.* ». According to Article 52 of the same Convention: « *A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations.* ». Article 53 of the same Convention provides: « *A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law.* ».

11. It follows from these provisions that, except where specially prohibited by general international law, every state possesses the sovereign power to conclude, with other states, such treaties as are not done in contravention of the natural and general international law, nor, in respect of nations having chosen to be bound by their adhesion to an international convention whose finality, in light of the intention expressed by the parties and its general structure, as well as its contents, is to impose general standards of conduct, without direct consideration, upon the signatory parties, such as the Charter of the United Nations, in violation of the rules of law therein contained.

12. In consequence, sovereign powers are free to conclude by treaty or convention between them arrangements for their mutual collaboration, including in relation their defence, to which it is not only appropriate but generally, except in cases of fraud or abuse, or where such arrangements are specially prohibited as contrary to the law regulating the conduct of persons or the relation between nations of an inherent nature, for the Department of Political Affairs to give effect according to law and its guidelines, subject, where necessary, to the supervisory jurisdiction of the Court. It is not contested before the Court that no such impediment exists to the recognition of the Union of Columbia as an allied belligerent of the Falkland Islands.

13. Given that none of the grounds advanced by the applicant in the interlocutory proceedings are of a nature so as to raise the prospect of a seriously arguable case on the merits, the application for provisional measures may only be rejected, without needing to examine the other relevant conditions for the indication of provisional measures.

ORDERS:

1. The applicant's interlocutory petition is **rejected** and **dismissed**.

2. The remainder of the parties' claims in respect of the interlocutory proceeding are **denied**.

For the Court,

Imperianum

President

Saint Melier

Vice President

Kyolac.T

Judge-Assessor